

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - DAYTON**

Mark Lindsey

\*

Plaintiff, \* Case No. 3:17-cv-302

v.

\* Judge Walter H. Rice

Weiffenbach Marble & Tile Company, \*

Defendant.

\*

\*

**STIPULATED ORDER AND JUDGMENT ENTRY**

This matter is before the Court on the parties' Joint Motion for Approval of Settlement and Order of Dismissal with Prejudice ("Joint Motion") pursuant to § 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). The Joint Motion asks the Court to approve, as fair and reasonable, the proposed Settlement Agreement reached by the parties and memorialized in the Mutual Settlement and Mutual Release Agreement ("Settlement Agreement") submitted to the Court as **Exhibit A** to the Joint Motion.

Having reviewed the Settlement Agreement, the pleadings, declarations of counsel, and papers on file in this action, and for good cause established therein, the Court enters this Stipulated Order and Judgment Entry approving the Settlement, the Settlement Agreement, and finds as follows:

1. The proposed Settlement is fair and reasonable and satisfies the standard for approval under § 16(b) of the FLSA, 29 U.S.C. § 216(b). The Court finds that the Settlement Agreement resolves numerous bona fide disputes between the parties including those under the FLSA and resulted from arms-length negotiations between experienced counsel after substantial investigation. Plaintiff's Counsel has informed the Court that they believe the Settlement is fair,

reasonable, and adequate and in the best interests of the Plaintiff. The Court has considered all relevant factors, including the risk, complexity, expense, and likely duration of the litigation; the extent of investigation and the stage of the proceedings; the amount, if any, offered in the Settlement; and the experience and views of counsel for the Parties.

2. The Court approves the Settlement Agreement and orders that the Settlement be implemented according to the terms and conditions of the Settlement Agreement and as directed herein. The Court grants final approval of the Settlement as to the Plaintiff.

3. The Court dismisses the claims of Plaintiff with prejudice, and enters final judgment dismissing the Litigation. The Court finds there is no just reason for delay and directs the Clerk of the Court to enter this Stipulated Order and Judgment Entry immediately.

4. The Court retains jurisdiction over the Litigation for purposes of administration of the Settlement and enforcement of the Settlement Agreement.

**SO ORDERED:**

Dated: 6-12-18



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Walter H. Rice  
United States District Judge

**SO STIPULATED:**

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